REMARKS

The Office Action dated February 5, 2008 has been reviewed and carefully considered. Claim 4 has been amended. Claims 1 and 6 are the only independent claims. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The specification has been objected to for lacking section headings. Applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading. Applicants respectfully decline at this time to amend the disclosure to include same.

The Examiner has objected to the specification as containing an embedded hyperlink and/or other form of browser-executable code. In response, Applicant has amended paragraph [0021] of the specification to delete this language. With this amendment, Applicant believes that the reason for the Examiner's objection has been overcome. Applicant respectfully requests the objection be withdrawn.

Claims 1-8 and stand rejected under 35 USC 102(b) as being anticipated by Hwang et al., U.S. Pub. No. 2002/0077141 (Hereinafter "Hwang"). Applicant respectfully traverses these rejections.

The present invention relates to a mobile communication system comprising a base station (100) and a plurality of mobile stations (200), operating closed loop transmitter power control. In this system, power control commands for transmission on an uplink are derived from measurements made on received downlink signals comprising non-predetermined data values. In particular, claim 1 recites:

> A mobile station (200) for use in a communication system having a base station (100), the mobile station (200) comprising:
>
> receiver means (220) for receiving from the base station (100) a first downlink signal,
>
> measurement means (250) for measuring a parameter of the received first downlink signal;
>
> power control means (230) for **generating first power control commands in response to <u>the measured parameter</u>** [emphasis added]; and
>
> transmitter means (240) for transmitting the first power control commands to the base station (100);
>
> wherein the measurement means (250) is adapted to measure the parameter of the first downlink signal while first downlink signal is modulated with non-predetermined data values and is subjected to transmit power control in accordance with the first power control commands.

Of significance, and as emphasized above, the mobile station generates first power control commands in response to a measured parameter. Further, this measurement is performed on a signal that is modulated with non-predetermined data values.

Hwang et al. teaches an apparatus and method for controlling the transmission power of a downlink shared channel (DSCH). Paragraph 4 of the Office Action points to Fig. 6 and paragraph [0155] of Hwang as teaching the measurement means (250) for measuring a parameter of the received first downlink signal and in particular states "the dedicated channel pilot strength is a parameter of the downlink signal." The Office Action further states that the DL_DCH of Hwang "comprises a signal modulated with TPC values, which are non-predetermined data values."

Applicant respectfully disagrees with the characterization of Hwang given in the quoted passages above and how they can be interpreted to teach the claimed invention. Paragraph [0155] recites:

> A first dedicated channel pilot estimator 617 estimates the strength of the dedicated channel pilot received from the DEMUX 614. The estimated dedicated channel pilot signal strength is used by the downlink TPC command generator 650 to generate the downlink transmission power control information or downlink channel information. The TPC output from the DEMUC 614 is an uplink power control command transmitted from node B #1 to control the uplink signal power of the UE. The TPC is used as both an uplink transmission power control command and for generating the downlink transmission power control information in the downlink TPC command generator 650

Fig. 6 and paragraph [0155] both clearly demonstrate that it is the pilot signal strength that is the measured parameter used by the power control means to generate the first power control commands. Applicant submits that this feature of Hwang teaches away from the claimed invention wherein the parameter measured is that of a signal modulated with non-predetermined data values. As noted in paragraph [0016] of the present invention: "The invention is based on the realization that downlink closed loop power control may be operated by measuring the quality of received downlink non-predetermined data symbols **instead of predetermined pilot symbols** [emphasis added]."

The Office Action's statement that the DL_DCH of Hwang "comprises a signal modulated with TPC values" does not address the features of the claimed invention. Fig. 6 illustrate that TPC values are used by item 650 to generate power control information. However, these TPC values are merely obtained by Demux 614 – they do not represent measured parameter values.

For at least the reasons stated above, Hwang fails to teach the feature of claim 1 wherein a mobile station generates first power control commands in response to a measured parameter, and that the measurement of this parameter is performed on a signal that is modulated with non-predetermined data values.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Hwang cannot be said to anticipate the

present invention, because Hwang fails to disclose each and every element recited. As shown, Hwang fails to disclose a mobile station which generates first power control commands in response to a measured parameter; where this measurement is performed on a signal that is modulated with non-predetermined data values. Claim 6 contains similar features and is patentable over Hwang for at least the same reasons.

Having shown that Hwang fails to disclose each and every element claimed, Applicant submits that claims 1 and 6 are allowable over Hwang. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1 and 6.

With regard to claims 2-5 and 7-8, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-5 and 7-8 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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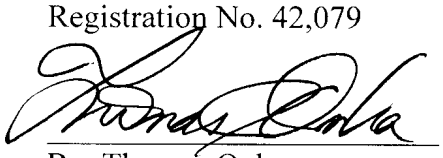

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